

**DRAFT**  
**FINDING OF NO SIGNIFICANT IMPACT**

**Programmatic Environmental Assessment for Actions Related to the  
Migrant Protection Protocols (MPP) Program**

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**Introduction**

Pursuant to the National Environmental Policy Act (NEPA; 42 U.S. Code [U.S.C.] §§ 4321 et seq.), as amended, the Department of Homeland Security (DHS) has prepared a Programmatic Environmental Assessment (PEA) to programmatically evaluate reasonably foreseeable environmental impacts that may occur as a result of the proposal to resume the Migrant Protection Protocols (MPP) program along the U.S. southern border as directed by Executive Order (EO) 14165, *Securing Our Borders*, issued on January 20, 2025.

The MPP program (also known as the “Remain in Mexico” program) is a processing method at ports-of-entry (POE) along the southern border which allows DHS to return certain applicants for admission to the U.S. (e.g., those who entered illegally or without proper documentation) to Mexico while their removal proceedings are pending. DHS, as the federal Department responsible for managing border control and immigration, has the authority to administer programs that further these missions and protect national security.

The MPP program was first established on December 20, 2018, under authority granted to DHS pursuant to Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) (8 U.S.C. §§ 1101 et seq.) and was terminated in 2022. On January 20, 2025, President Trump issued EO 14165, which directed the DHS Secretary, along with the Secretary of State and Attorney General, to resume the MPP program “in all sectors along the southern border of the United States”.

Under the initial MPP program, eligible aliens encountered at the southern border of the U.S. were processed at the border POE, issued a Notice to Appear (NTA), placed into removal proceedings, and transferred back to Mexico. Aliens were allowed to return to the U.S. at a designated POE in order to attend their immigration court hearings. Under this program, the U.S. and the Government of Mexico developed a joint agreement, where the Government of Mexico agreed to provide appropriate humanitarian protections to those aliens returned to Mexico under the MPP program.

DHS has prepared a Draft PEA to evaluate the resumption of MPP as directed by EO 14165 (Proposed Action). The Draft PEA programmatically evaluates reasonably foreseeable environmental impacts that may occur because of the Proposed Action and identifies standard best management practices (BMPs) by which DHS can reduce such impacts. Additionally, DHS has prepared a Draft PEA to streamline the review process and eliminate duplicative, lengthy reviews for repetitive actions that would occur under the MPP program and that could be broadly analyzed given their similar scopes.

DHS has also evaluated whether compliance with EO 12114, *Environmental Effects Abroad of Major Federal Actions*, would be required. DHS would not undertake activities within Mexican territory and the Government of Mexico would participate with the U.S. to implement this program. Therefore, DHS has determined that EO 12114 does not apply to the Proposed Action evaluated in the Draft PEA.

## **Purpose and Need**

The purpose of the Proposed Action is to resume the MPP program, in accordance with EO 14165, as DHS enforces immigration laws and responds to changing security and humanitarian conditions along the southern border. The Proposed Action is needed to provide DHS the ability to return certain aliens to Mexico pending the completion of removal proceedings pursuant to Section 240 of the INA (8 U.S.C. § 1229a). This PEA evaluates the full lifecycle of the MPP program including its resumption and potential future cessation, whether temporary or permanent.

As described in EO 14165, the increasing influx of aliens into the U.S. has overwhelmed the U.S. immigration system, making it easier for illegal aliens to enter and remain in the U.S. This influx has also resulted in other consequences, including an increase in human smugglers, traffickers, and illegal drugs and other contraband that have been able to cross the border and remain in the U.S., endangering national security. The Proposed Action would provide a safe and orderly immigration process, decrease illegal activities and illicit contraband, and reduce threats to national security and public safety.

## **Description of the Proposed Action**

The Proposed Action evaluated in the Draft PEA is the resumption of the MPP program, in accordance with EO 14165, to address changing security and humanitarian conditions along the southern border. The Proposed Action includes all elements related to the implementation and temporary or permanent cessation of the MPP program throughout its lifecycle.

Operation of the MPP program is expected to occur similarly to its prior implementation, where aliens who are encountered along the southern border would be processed at a border POE; assigned a hearing date, time, and location; provided with an NTA and other documentation explaining the MPP program process; and returned to Mexico through designated POEs within the states of Texas, California, Arizona, and New Mexico. Resumption of the MPP program would constitute an additional duty to be performed at the designated POEs; no POEs would be solely dedicated to implementing the program. Aliens enrolled in the MPP program and with an NTA would be allowed to reenter the U.S. through designated POEs on the appropriate date to attend their court hearings. MPP program processing procedures may include enrollment, fear screening, disenrollment or return to Mexico, Executive Office for Immigration Review (EOIR) hearings, re-entry, continued fear and vulnerability consideration, and case outcomes. Enrollees could go through several iterations of re-entry into the U.S. and returns to Mexico until EOIR makes a final determination.

Depending on the number of aliens encountered at the border and to facilitate the processing of aliens upon their reentry to the U.S., DHS may need to construct temporary holding facilities and

immigration hearing facilities at one or more POEs. These temporary facilities would be constructed on previously disturbed land within the boundary of the POE site. The size of the facilities can vary based on immigration and processing needs, but previously erected facilities, on average, ranged in size between 33,000 square feet and 65,000 square feet. These facilities would be able to accommodate between 500 and 1,625 aliens. Following the placement of aliens into INA Section 240 removal proceedings, DHS would transfer these aliens back to Mexico via van or bus. All vehicle transfers would occur on existing and currently used roadways at and surrounding POEs; no new roads would be constructed. Upon reaching the border, custody of these aliens would be transferred to the Government of Mexico. Upon the reentry of aliens to the U.S., U.S. Immigration and Customs Enforcement (ICE) would facilitate vehicle transfers to court facilities as needed. DHS would not undertake any operational activities within the sovereign territory of Mexico. Specific activities or projects that would be undertaken by DHS to support operation of the MPP program would be evaluated on a site-specific basis as needed.

DHS has not established a temporary or permanent cessation date for the MPP program. It can be reasonably expected, however, that the MPP program would not continue in perpetuity and that DHS could pause the program temporarily or would eventually pursue permanent cessation of this program. Program cessation would involve the disenrollment of aliens from the MPP program, potentially allowing these aliens to remain in or enter the U.S. Any temporary facilities erected during MPP program operation may be temporarily repurposed to support other ongoing immigration and law enforcement efforts or would be removed and those sites restored or returned to empty pavement or gravel pads. Additionally, cross-border transportation by DHS officials to transfer aliens to Mexico under the MPP program would cease. The analysis in the Draft PEA of the cessation of the MPP program is limited to those activities that are within DHS's control or responsibility (e.g., deconstruction of temporary facilities). While DHS would continue to be responsible for securing the border in accordance with its various programs, procedures, and policies, any actions taken by individual aliens to cross the border illegally would not be conducted under DHS direction and is outside of DHS's control. Subsequent analysis would be completed as needed if conditions surrounding cessation of the MPP program change in the future.

### **No Action Alternative**

Under the No Action Alternative, DHS would not pursue resumption of the MPP program along the southern border, limiting the capability of DHS to respond to the immigration crisis and address the flow of illegal aliens and contraband coming across the border. DHS would still employ other methods to enforce immigration laws, which may include applicable emergency authorizations, in support of its national security mission.

### **Public Involvement**

The Notice of Availability (NOA) for the Draft PEA and Draft Finding of No Significant Impact (FONSI) was published in the Federal Register and on the DHS website on April 25, 2025, to initiate the public comment period. The Draft PEA and Draft FONSI will be available during a 30-day comment period from April 25, 2025, to May 25, 2025, to solicit comments on the Proposed Action and alternatives.

DHS initiated consultation with federally recognized Tribal Nations on April 22, 2025, in accordance with EO 13175, *Consultation and Coordination with Indian Tribal Governments*. DHS will hold a virtual nationwide Tribal consultation meeting on May 8, 2025, to discuss the Draft PEA and Draft FONSI and receive input on the Proposed Action. Comments received from Tribal Nations will be incorporated into the Final PEA, as applicable.

## Environmental Consequences and Best Management Practices

Impacts on environmental resources under each alternative are listed below in **Table 1**. The analysis of the Proposed Action in the PEA did not identify any significant adverse impacts to the environment. DHS would implement best management practices (BMPs) as detailed in the PEA and summarized in **Table 2**, and would adhere to all applicable federal, state, and local regulatory requirements, including obtaining necessary permits, in order to avoid or minimize potential adverse impacts resulting from the Proposed Action. In general, short-term impacts are those that would occur only for a limited, finite time with respect to a particular activity of the Proposed Action. Long-term impacts are those that would be more likely to be persistent and chronic throughout the life of the Proposed Action or would last years after an impact producing activity occurred. The relative terms less-than-significant, negligible, minor, or moderate, are terms used to characterize the magnitude or intensity of an impact. Significance is a term used to describe changes to resource that would be readily measurable and would be those that have a context and intensity that meets the thresholds for significance. Adverse impacts are those that would cause unfavorable or undesirable outcomes on the human-made or natural environment. Lastly, beneficial impacts are those that would cause positive outcomes on the human-made or natural environment.

**Table 1. Summary of Anticipated Environmental Impacts by Alternative**

Resource Area	Proposed Action Alternative	No Action Alternative
Air Quality	<p><i>Short-term, less-than-significant adverse impacts to existing air quality within the vicinity of temporary facilities constructed.</i></p> <p><i>Long-term, less-than-significant adverse impacts to existing air quality for the duration of MPP program operation.</i></p> <p>Emissions would not exceed <i>de minimis</i> thresholds.</p>	No impacts.
Noise	<p><i>Short-term, negligible adverse impacts during construction or removal of temporary facilities.</i></p> <p><i>No impact during operation of the MPP program.</i></p>	No impacts.
Water Resources	<p><i>Short-term, negligible adverse impacts on stormwater, surface water, and wetland quality during construction.</i></p> <p><i>No impacts on floodplains or groundwater during construction.</i></p> <p><i>Long-term, negligible adverse impacts on stormwater during MPP program operation.</i></p>	No impacts.

Resource Area	Proposed Action Alternative	No Action Alternative
	<p><i>Long-term, less-than-significant adverse impacts on surface water quality and groundwater quality and availability during MPP program operation.</i></p> <p><i>No impacts on the coastal zone.</i></p>	
Biological Resources	<p><i>Short- and long-term, negligible adverse impacts on terrestrial wildlife throughout the MPP program lifecycle.</i></p> <p><i>May affect, but is not likely to adversely affect federally listed terrestrial species.</i></p> <p><i>No effect on federally listed aquatic species and vegetation.</i></p> <p><i>Short-term, negligible adverse impacts on birds of conservation concern, including eagles.</i></p>	No impacts.
Cultural Resources	<i>No potential to cause effect.</i>	No impacts.
Infrastructure and Transportation	<p><i>Long-term, negligible beneficial impacts to infrastructure at POEs.</i></p> <p><i>Long-term, negligible adverse impacts to utilities.</i></p> <p><i>Long-term, negligible adverse impacts on traffic conditions or transportation infrastructure.</i></p>	No impacts.
Human Health and Safety	<p><i>Short-term, negligible adverse impacts to health and safety of DHS personnel and contractors, and aliens present at the POE during construction.</i></p> <p><i>No impacts on health and safety of aliens during MPP program operation.</i></p> <p><i>Short-term, negligible adverse safety risks that could disproportionately impact children during construction.</i></p>	No impacts.

**Table 2. Summary of Best Management Practices**

Resource Area	Best Management Practices
Air Quality	<ul style="list-style-type: none"> <li>• Prevent visible emissions such as dust or wind-blown soil by applying water or other stabilization measures on unpaved surfaces or soil piles and covering dump trucks that transport materials that could become airborne.</li> <li>• Ensure construction equipment is certified in accordance with U.S. Environmental Protection Agency (USEPA) regulations for non-road engines.</li> <li>• Maintain construction equipment in accordance with manufacturer specifications</li> <li>• Coordinate with state and/or local air quality agencies to determine if air quality operating permits are required for generators.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Use mufflers on construction equipment and vehicles.</li> <li>• Turn off equipment when not in use.</li> </ul>

Resource Area	Best Management Practices
Water Resources	<ul style="list-style-type: none"> <li>• Install erosion control measures as needed during construction.</li> <li>• Perform routine vehicle inspections to minimize spills.</li> <li>• Maintain spill containment materials on-site.</li> <li>• Use and store vehicle fluids correctly and in accordance with manufacturer labels.</li> </ul>
Biological Resources	<ul style="list-style-type: none"> <li>• Conduct site-specific analyses to determine the potential presence of federally listed species and coordinate with USFWS under Section 7 of the Endangered Species Act, as necessary.</li> <li>• Obtain a General Permit for Bald Eagle Disturbances if activities would disturb bald eagles or nesting sites and adhere to those conditions.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>• Conduct site-specific analyses to determine the potential presence of above-ground and archaeological resources and coordinate with SHPO and Tribal Nations for all undertakings subject to Section 106 of the National Historic Preservation Act.</li> <li>• Cease work if unanticipated cultural materials or deposits are encountered during construction or deconstruction and notify the SHPO.</li> </ul>
Infrastructure and Transportation	<ul style="list-style-type: none"> <li>• Install diesel generators at temporary facilities until they can be connected to the electric grid to minimize disruptions.</li> <li>• Truck in potable water and remove wastewater from temporary facilities to reduce stress on existing utilities.</li> </ul>
Human Health and Safety	<ul style="list-style-type: none"> <li>• Conduct all construction activities in accordance with applicable federal and state safety and health regulations.</li> <li>• Perform construction work only during daytime hours.</li> <li>• Fence off active construction sites and post warning signs in both English and Spanish.</li> <li>• Administer first aid immediately in the event of an accident or injury and contact emergency services, if needed.</li> <li>• Keep children inside and away from airborne construction dust.</li> <li>• Provide earplugs as needed to children and adults.</li> <li>• Ensure all children present at a POE are accompanied by an adult.</li> </ul>

### **Finding of No Significant Impact and Conclusion**

The PEA for this Proposed Action was prepared according to the National Environmental Policy Act of 1969 (42 United States Code [U.S.C.] 4321 et seq.), as amended; DHS Directive 023-01 Revision 01, Implementation of the NEPA; and other pertinent environmental statutes, regulations, and compliance requirements. The analyses described in the PEA demonstrate that the Proposed Action would result in no significant impact on the environment. As a result, no additional analysis or documentation (i.e., Environmental Impact Statement) is required under NEPA. DHS would continue to utilize all practical means to minimize or avoid the potential for adverse impacts to the human and natural environment.

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Date

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